

*Board of Zoning Appeals  
Thursday, July 21, 2005  
Regular Meeting - 10:00 A.M.  
Phone # (937) 328-2495*

*County Office/Municipal Courts Building  
Public Chambers  
50 East Columbia Street, 5th Floor  
Springfield, Ohio 45501*

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# *AGENDA*

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- |    |   |                        |
|----|---|------------------------|
| 1. | Minutes - June 16, 2005   | Discussion &<br>Action |
| 2. | BZA-2005-09 - Variance<br>Keith and Claire Hoffman<br>5119 S. Tecumseh Road<br>Mad River Township | Discussion &<br>Action |
| 3. | Adjournment   | Action                 |

## Minutes

### Board of Zoning Appeals

Regular Meeting  
Thursday, June 16, 2005

County Office/Municipal Courts Building  
Public Chambers  
50 E. Columbia Street, 5<sup>th</sup> Floor  
Springfield, Ohio

Vice-Chairman Foster called the meeting to order at 10 a.m.

Present: Mr. Rich Foster, Mr. Lonnie Barclay, Mr. Marvin Berschet

Absent: Mr. Allen Perkins and Mr. Wilfred Potter

Also Present: Mr. Kelly Daniels, Clark County Zoning Inspector and other interested persons.

#### BZA-6-11-05 ~ Minutes ~ May 19, 2005

Motion by Mr. Barclay, second by Mr. Berschet to approve the minutes as printed.

*VOTE: Motion carried unanimously.*

#### BZA-2005-06 ~ Variance ~ Mark & Kristen Parson ~ 2238 Katherine Blvd. ~ Bethel Township

Mr. Daniels explained the applicant is seeking a Variance of Chapter 2, Section B, Chapter 8, Section B of the Clark County Zoning Resolution. Said section requires any accessory building, if not located in a side or rear yard, shall be an integral part of, or connected with, the principal building to which it is accessory, and shall be so placed as the meet all yard requirements for a principal building. Granting the request would permit an accessory garage 14' x 20' to be erected in the front yard 23' from the road right-of-way. The accessory building in question was constructed without the required building and zoning permits; when the contractor submitted the applications for permits the structure would not conform to the Clark County Regulations for setback requirements.

Vice-Chairman Foster swore everyone in.

Mr. Parson explained he was new to the area and just recently retired from the military. He bought the house in Medway and decided to build a garage. He used a contractor some of the neighbors and friends had used. The contractor started the job and didn't get the proper permits. He didn't know until it was too late. The contractor didn't finish the job and he had to finish it himself, that's when he found out there were no permits and problems. He has tried to get a hold of the builder but hasn't been able to. He has filed a complaint with the Better Business Bureau.

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There wasn't any opposition or comments, Vice-Chairman Foster asked for a motion.

#### *BZA-6-12-05 ~ Variance ~ Mark & Kristen Parson ~ 2238 Katherine Blvd. ~ Bethel Township*

Motion by Mr. Barclay, second by Mr. Berschet to approve the Variance of Chapter 2, Section B, Chapter 8, Section B of the Clark County Zoning Resolution to permit an accessory garage 14' x 20' to be erected in a front yard 23' from the road right-of-way.

***VOTE: Motion carried unanimously.***

#### *BZA-2005-07 ~ Variance ~ Randy MacGillivray ~ South of 2581 Lake Road ~ Bethel Township*

Mr. Daniels explained the applicant was seeking a Variance of Chapter 2, Section B of the Clark County Zoning Resolution. Said section requires a building lot with public sewer only, shall have a minimum of ½ acre or 21,780 square feet in area. Granting the request would permit two building lots to be split: Parcel #1 will have 0.403 acre or 17,555 square feet in area. Parcel #2 will have 0.358 acre or 15,594 square feet in area. The applicant has submitted a letter of special circumstances which is included in the agenda.

Vice-Chairman Foster wondered if the new lots would be in compliance with other lots in the Crystal Lake area.

Mr. Daniels explained the lots in Crystal Lakes are actually smaller than the ones proposes. The new lots would be on public sewer and will have individual wells.

Attorney Jim Peifer, representative for the applicant explained, the original survey showed the lot to be 4.35.05 acre after the easements and everything was taken out it should have been 2.3879 acres to be split and was recorded as such. The applicant didn't know until they went to split the lots and the new surveyor found out it was much smaller; therefore the applicant had to request for a variance to be able to split the lots. If the variance is granted, they will need to come before the Board again for a setback variance because of the size of the lots, which will probably be in August.

Mr. Berschet wondered if the new lots would be on well and septic.

Attorney Peifer explained they would be on private wells but public sewer.

The Board wondered about the property owned by the Crystal Lakes Property Owner's Association,

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if they had any problems with the variance and if there was any problem with the abandoned railway.

Attorney Peifer the property Crystal Lakes own is landlocked, it will not be a problem. There are no issues with the abandoned railway, it has been abandoned for years.

Ms. Cindy Watson commented she owns the property adjoining the request to the north, the property that is woods. She didn't have any problems with their request.

#### BZA-6-13-05 ~ Variance ~ Randy MacGillivray ~ South of 2581 Lake Road ~ Bethel Township.

Motion by Mr. Berschet, second by Mr. Barclay to approve the Variance of Chapter 2, Section B of the Clark County Zoning Resolution to permit two building lots to be split: Parcel #1 with 0.403 acre or 17,555 square feet in area. Parcel #2 will have 0.358 acre or 15,594 square feet in area.

***VOTE: Motion carried unanimously.***

Mr. Daniels mentioned there is a variance for next months meeting.

## ADJOURNMENT

#### BZA-6-14-05 ~ Adjournment

Motion by Mr. Barclay, second by Mr. Berschet to adjourn the meeting.

***VOTE: Motion carried unanimously.***

The meeting was adjourned at 10:18 a.m.

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Rich Foster, Vice-Chairman

***BZA-2005-09 ~ Variance ~ Mad River Township  
Keith and Claire Hoffman ~ 5119 S. Tecumseh Road***

Date of Meeting: July 21, 2005

TO: Board of Zoning Appeals

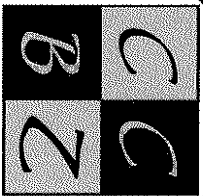
FROM: Planning Staff

**APPLICANTS REQUEST**

The applicant is seeking a Variance of Chapter 2, Section A, Chapter 8, Section B of the Clark County Zoning Resolution. Said section requires a detached accessory building may be constructed in the front yard provided it is at least 300' from the road right-of-way. Granting this request would permit a detached accessory building to be constructed approximately 110' from the road right-of-way.

**STAFFS ANALYSIS**

The staff finds that topographical conditions applying to the land in question would create a hardship for the construction of a garage at any location other than the front yard.



# Clark County Zoning Regulations

937.328.2495  
937.328.2621 fax  
email: [bldeggs@co.clark.oh.us](mailto:bldeggs@co.clark.oh.us)

Garfield Building  
25 W. Pleasant St  
Springfield, OH 45506

Dana R. Booghter  
Director

July 13, 2005

Dear Applicant:

On **July 21, 2005**, the Board of Zoning Appeals will hold a **PUBLIC HEARING** at 10:00 a.m., in the County Commission Chambers of the County Office/Municipal Building, 50 E. Columbia Street, 5th Floor, Springfield, Ohio. The purpose of this hearing is to review your request for a Variance.

Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,

Kelly Daniels  
Zoning Inspector

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# REQUEST BY KEITH & CLAIRE HOFFMAN TO BUILD A GARAGE

We want to build a two-car garage, 24 feet in width and 32 feet in length on our property at 5119 S. Tecumseh Road. We have hired Buckeye Builders for the construction.

Because of the slope of the terrain, it is not possible to build the garage in the "side yards" or behind the house, without having a driveway slope of 25% grade or worse. The only relatively flat land areas within hundreds of feet of the house are in front of the house and immediately to the front right of the house. A steep driveway would be a safety hazard when wet or icy. It is my understanding that the county grants zoning variances for garages if the driveway would be sloped in excess of 12.5%. We meet the criteria.

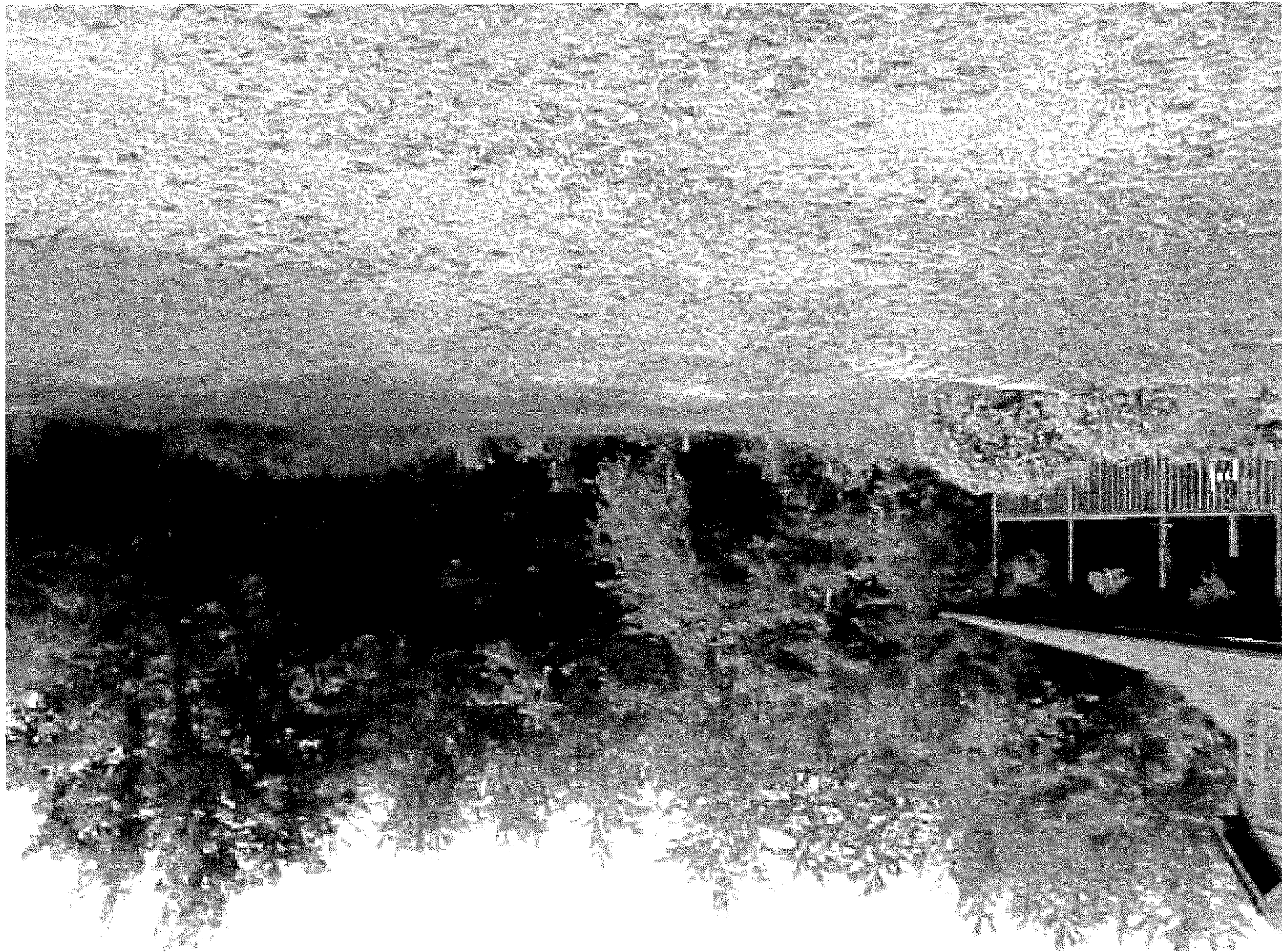
Our garage design given to the contractor called for matching the style, siding and color of the house so that the garage will complement the house appearance and be an attractive addition to the property, increasing the property value of our home and indirectly maintaining property values of our county neighbors.

  
KEITH W. HOFFMAN

  
CLAIRE M. HOFFMAN

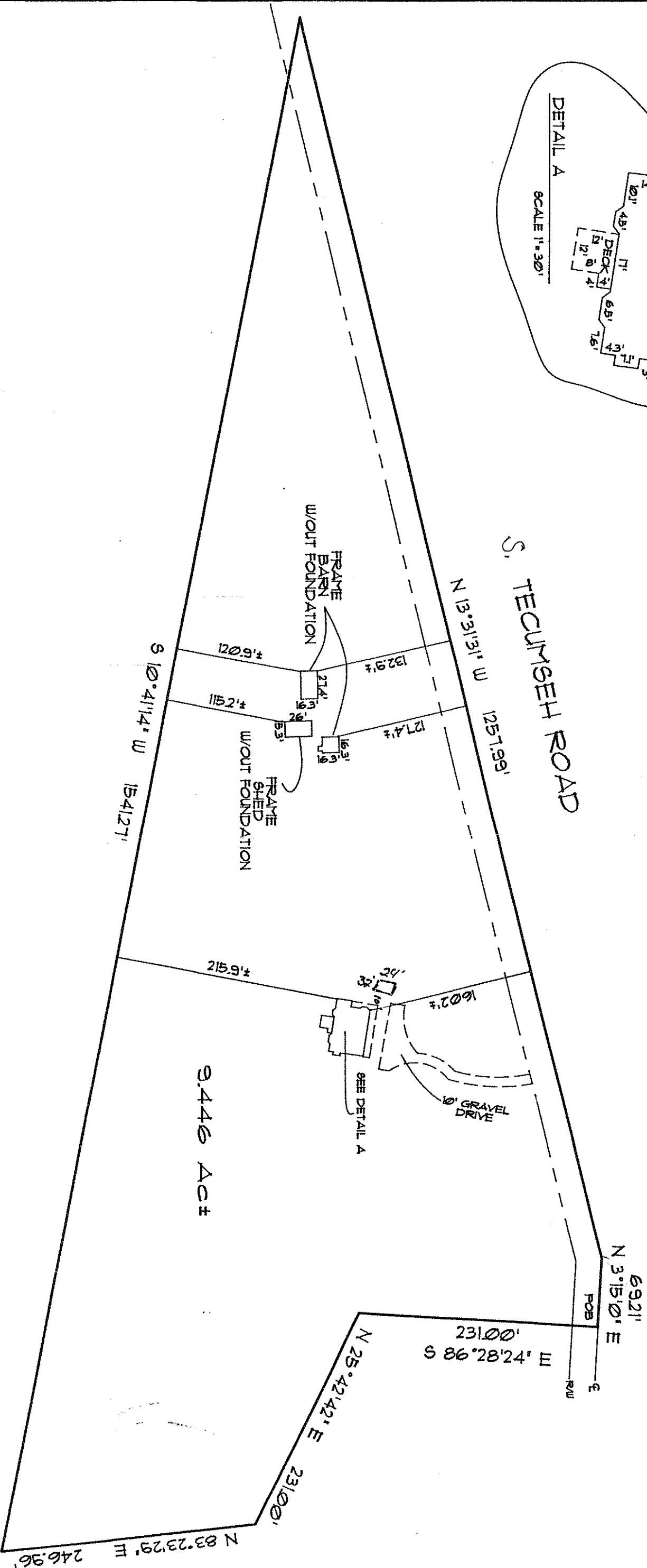
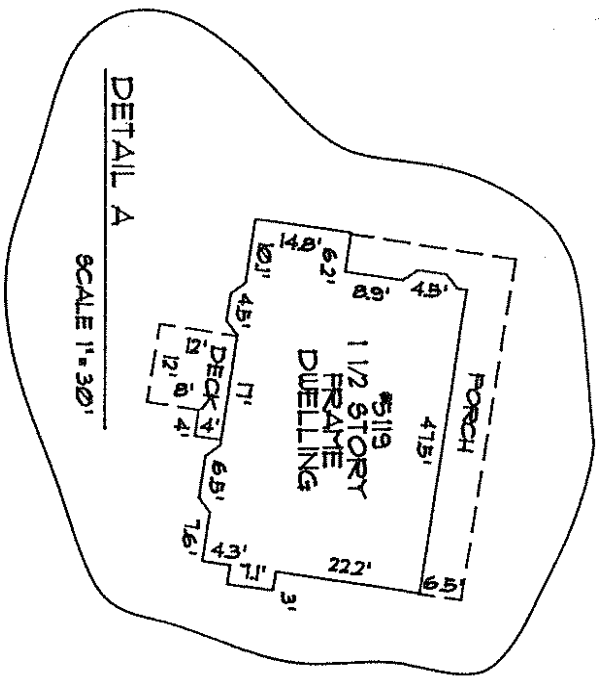












Scale 1" = 100'

UPDATED 12/27/1994